

REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS
December 21, 2015

The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present was the Auditor of Jasper County, Kimberly K. Grow and the Attorney who represents the Commissioners, Eric Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Christopher Woodcock.

CLAIMS: Mr. Walstra made the motion to approve the claims as submitted. Mr. Maxwell seconded and the motion carried.

PAYROLL CLAIM & ALLOWANCE DOCKET: Mr. Maxwell made the motion to approve the Payroll Claim & Allowance Docket for the check date equal to 12/15/2015. Mr. Walstra seconded and the motion carried.

BURIED CABLE: Mr. Maxwell made the motion to approve the following buried cable permits submitted by CenturyLink. Mr. Walstra seconded and the motion carried.

CENTURYLINK:

ACT #0847 For the purpose of placing new buried service wire in Union Township. There is tile in the area. (Permit #709)

ACT #9562092 For the purpose of boring 925N to place a new buried service wire to customer in Walker Township. There is no tile in the area. (Permit #710)

FULL-TIME POSITION / TREASURER: Carla Anderson, Treasurer, stated that she presented the statute to the Commissioners a couple of weeks ago that states that she is allowed to staff her office if funding is approved. In response to a question from Mr. Culp, Ms. Anderson replied that the office would consist of two (2) deputies and herself. Mr. Walstra made the motion to approve the request to hire a second full-time deputy. Mr. Maxwell seconded and the motion carried.

VOLUNTEER POLICY / ANIMAL SHELTER: Pauline Boring, Animal Control Board, stated that, as you know, we have been working on the volunteer policy for quite some time now. Ms. Boring reported that they have put together some rules and guidelines to utilize at the shelter. Copies of the Volunteer Application form; the Volunteer Release, Wavier and Indemnification form; and the Volunteer Policy Guidelines & Rules were submitted for approval. Attorney Beaver will review. The item will be readdressed at the January meeting.

PROPOSED STAFF RESTRUCTURE / ANIMAL SHELTER: Ms. Boring stated that the Animal Control Board has been working on the possibility of restructuring the staff at the shelter. The "Proposed Staff Restructure" was submitted for consideration and approval. In response to a question from Mr. Culp, Ms. Boring replied that the full time Shelter Manager would only go out on calls if absolutely needed. The primary responsibility of the Shelter Manager would be to maintain the shelter. The bulk of our workload is at the shelter. The part-time Animal Control Officer would still be necessary to provide relief for the after hour calls. Attorney Beaver will review.

AMBULANCE SERVICES FOR 2016 & 2017 / BID ACCEPTED: Mr. Culp explained that the bid acceptance was tabled from the last meeting in order to obtain more information on the potential agreement between Lakeshore EMS and Franciscan. A representative from Lakeshore EMS stated that, at this time, we are going to take the agreement with Franciscan off the table. Mr. Culp stated that leaves Prompt Ambulance Service as the low bidder. The bid amount remains the same as it has been for the last several years. The subsidy for the township provided services would remain the same. Mr. Walstra made the motion to accept the bid from Prompt Ambulance Service in the amount of \$210,000.00. Mr. Maxwell seconded and the motion carried.

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MUNICIPAL PLATES / TOWNSHIP AMBULANCE SERVICE: Butch Jeffries and Sue Steinke were present on behalf of the ambulance service for the Townships of Walker, Wheatfield and Kankakee. Ms. Steinke explained that the BMV has changed the way that you get municipal plates. The State has determined that most ambulance services are not truly government owned and, due to a lack of an ordinance, we are having a hard time proving that our services are. There is an Organizational Agreement between the Townships of Kankakee, Walker and Wheatfield as well as an Agreement for Mutual Aid. In the past, we were able to obtain our plates through the local branch; however, they can no longer do that. Attorney Beaver will research further.

EXTENSION / REQUEST TO REFILL POSITION: Bryan Overstreet, Extension Educator, requested permission to replace the full-time secretarial position. Mr. Walstra made the motion to approve the request to refill the full-time position. Mr. Maxwell seconded and the motion carried.

POSITION TITLE CHANGE / EXTENSION: Mr. Overstreet stated that Christal Kaufman has been in the office for 20 years and this will be the third person that she has trained in the last seven years. Therefore, he would like to change her position to that of an Office Manager. Mr. Culp stated that he is fine with that if it is going to make the office flow better. A proposed job description will need to be submitted to the Auditor.

HEARTLAND FARM SERVICE / UNDERGROUND PIPE CON'T: In regards to the pipeline previously discussed at the last meeting, Mr. Overstreet stated that he did provide information on what the sewer line construction codes are. Don Brandenburg, concerned citizen, expressed concern with the pipeline going right into his tile. Mr. Culp asked Mr. Brandenburg if he had private tile in the county easement? Mr. Brandenburg replied, "yes". Mr. Haberlin stated that they will have to bore under it. Mr. Culp stated that we need to make it part of the requirements that they will have to go under the tile. Becky Brandenburg questioned how you would know if something springs a leak? There are six houses along the route. Who is going to police that? Mr. Culp replied that maintenance is part of their responsibility. Mr. Brandenburg asked if it was a requirement for the pipeline to be located a certain distance away from someone's well? Mr. Overstreet stated that it is 100 feet in Jasper County. Mr. Haberlin stated that, when working properly, it is an enclosed line and it's only run whenever they are pumping. There is not manure in the line under pressure every day. Mr. Maxwell will speak to Attorney Shelmon in regards to the Health Department requirements.

CORONER / CLAIMS: Andy Boersma, Coroner, reported that there have been 70 calls so far this year. Clarification regarding the funds that are used towards training expenses has also been requested from the Auditor's Office. Mr. Boersma explained that the money that is budgeted is divided up among those who attend training throughout the year. The deputies are all volunteers who take time off from their jobs to attend the training; therefore, the training funds are used to pay them for that time off. The State does pay for the actual training and hotel expenses. The additional funds are used to pay for their food, travel and time away from their families. How do you want me to solicit that? Mr. Culp asked what the State requires? In response to another question, Mr. Boersma replied that, depending on what the Council sets at budget time, each deputy receives \$450.00 - \$500.00. Ms. Grow stated that we are required to have itemized receipts for all claims. Mr. Boersma replied that his deputies are not employed by the County; therefore, they are not attending training during regular working hours like the county employees. Mr. Maxwell stated that the State Board of Accounts still requires that the money be accounted for. Ms. Grow stated that she would contact Debbie Gibson with the State Board of Accounts. Mr. Maxwell asked if the deputies are always paid a set amount or if the amount is varied? Mr. Boersma replied that it depends on what the County Council gives me.

SHERIFF / REPLACEMENT HIRES: Sheriff Risner stated that the part-time Annex employee has been hired to fill the additional Correctional Officer position. Permission was requested to refill the part-time position. Mr. Maxwell made the motion to approve the replacement. Mr. Walstra seconded and the motion carried.

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SHERIFF / REPLACEMENT HIRES CON'T: Sheriff Risner reported that one of the part-time Courthouse Security Officers has enlisted in the Army Reserves. He will be deployed for six months of active duty beginning around January 15. Permission was requested to fill the vacancy while the officer is gone. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

EMPLOYEE BONDS: Mr. Walstra made the motion to approve the employee bonds for Kimberly K. Grow, Auditor; and Donya G. Jordan, Deputy Auditor. Mr. Maxwell seconded and the motion carried.

VETERAN SERVICE OFFICER / MILITARY AND VETERANS DAY: Patrick Donnelly, VSO, has requested permission to attend the second annual Military and Veterans Day at the Indiana State House on Monday, January 11. The discussion will pertain to the care of Indiana Veterans. The county car will be used. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

INDIANA FAMILY SOCIAL SERVICES ADMINISTRATION / CONTRACT: In regards to the Medicaid statute, Attorney Beaver reported that the Commissioners signed a contract with a private vendor at the last meeting that will allow them to do sign-ups for Medicaid for jail inmates under the new state law. Attorney Beaver presented the Indiana Family Social Services Administration standard contract which will provide for Medicaid reimbursement for those inmates who are eligible and are admitted into the hospital. The County is presently responsible for the entire amount. In the long run, this is a cost-saving measure for the County because of the federal subsidy that would reduce the amount of monies that are paid by the County. Mr. Maxwell made the motion to approve the contract with the Indiana Family Social Services Administration. Mr. Walstra seconded and the motion carried.

FROST LAW ORDINANCE / UPDATE: Attorney Beaver stated that he has studied the governing statutes as far as the County being able to impose weight limits as well as the different laws that are in effect in some of the other counties. There is a real wide variety in the way that counties put their frost laws in effect. Attorney Beaver stated that he feels that it would be best to have an ordinance that will set out the basic structure of the law. The biggest decision to make at the outset is whether the frost law will be in effect for a fixed period of time every year beginning on one date and ending on another date or would there be a decision that is made to put the frost law into effect at a specific time? The statute does give a maximum of 90 days per year that the frost law can be put into effect. The law would be put into effect by an order made by the Commissioners or Highway Superintendant saying that the climate conditions are such that there could be damage to the roads. At that point, signs would go up. The next issue would be whether the frost law would be in effect on every county road or just on certain county roads. Another issue would be the weight limit. Finally, there is a question as to what will be the dollar amount of the maximum fine. The home rule law sets the maximum fine that can be put in place for the violation of any ordinance (\$2,500.00 fine for the first offense and \$7,500.00 fine for offenses after the first offense). There is a separate statute that does make the owners and operators of the vehicles that violate the weight limit and cause damage to the road jointly and separately liable for any damage that they cause. The penalty in the ordinance violation is separate from a civil liability that would be imposed if there is in fact any damage. In regards to the length, Mr. Culp stated that it could be up to 90 days or 90 days within a set period. Attorney Beaver stated that the public will need to have notice before the signs go up. The signs will either have to state what the dates are of the ordinance or they will need to go up when it is effective. Mr. Maxwell suggested the dates be January 15 through April 15. Attorney Beaver explained that the signs can be left up year-round; however, there needs to be something done to tell the motorist whether or not the frost law is in effect. Attorney Beaver stated that you would also need to decide what the weight is going to be. If you're looking at having a very fine-tuned ordinance, you could put a real low weight limit on that. If you're looking at a blanket county-wide ordinance then you may not want the weight limit to be as low. Mr. Maxwell suggested a maximum rate on the average road subject to individual roads being marked less. After further discussion, the following was decided: A sign will need to be posted at every state and county line. The maximum weight limit will be 16,000 lbs. on all roads during the frost law. Mr. Culp stated that we would need to exempt any perishable commodity and all emergency response vehicles. Attorney Beaver stated that there can be a permitting process put in place as well. In regards to the fine, Attorney Beaver stated that you can make it up to \$2,500.00 for a first offense and \$7,500.00 thereafter. Mr. Culp asked what happens if they don't know it's in effect?

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Are we talking about the narrow band or the 90 days? Sheriff Risner expressed concern with certifying weight. Mr. Walstra stated that if it's a semi, it's over 16,000 lbs. Sheriff Risner asked if there could be a tow and impound in the ordinance for those who violate more than once. Attorney Beaver replied that once you have the weight limit in effect, an office clearly can prohibit somebody from traveling. Mr. Culp asked what happens with enforcement if we have most of the parameters in place? Attorney Beaver replied that enforcement can be brought basically in the name of the Board of Commissioners of the County of Jasper in a court proceeding. Mr. Culp asked where the fine would go to? Attorney Beaver replied that the fine would go into the County General Fund. Another county did provide a fund that the fines and permit revenue would go into that would supplement the County Highway Fund. We can draw up an ordinance that would establish a dedicated fund. If you prevail on this then the person is liable for court costs. The county does not pay any costs out of pocket to file the action. Attorney Beaver reviewed the following: A fixed 90-day period of approximately January 15 to April 15 for all county roads with a 16,000 lb weight limit on all county roads. The violation would be a maximum fine of \$2,500.00 with a \$7,500.00 fine for subsequent violations. There would be exemptions that are set forth in the statute. We would also state that emergency response vehicles are exempt.

There being no further business, Mr. Walstra made the motion to adjourn. Mr. Maxwell seconded and the motion carried.

JASPER COUNTY BOARD OF COMMISSIONERS:

Kendell Culp, President

James A. Walstra, Vice President

Richard E. Maxwell

ATTEST:

Kimberly K. Grow, Auditor of Jasper County

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